

Ex
cont.

polygons for said reference polygon based on the motion data without computing said articulating components.

REMARKS

By this Amendment, claims 22, 23, 26, and 27 are canceled without prejudice or disclaimer solely in an effort to expedite prosecution. Claims 17 and 19 are amended to include subject matter to which Applicants are entitled. Claims 17-21, 24-25, and 28 are thus pending.

In the above-identified Office Action, the Examiner rejected claims 17-28 under 35 U.S.C. § 101; rejected claim 17 under 35 U.S.C. § 112, first paragraph; and rejected claims 17-28 under 35 U.S.C. § 103(a) as unpatentable over Miyamoto et al. (U.S. Patent No. 6,241,610). For the following reasons, Applicants respectfully traverse the rejections and reconsideration is respectfully requested.

REJECTION OF CLAIMS 17-28 UNDER 35 U.S.C. § 101

The Examiner rejected claims 17-28 under 35 U.S.C. § 101, alleging the claimed invention is not supported by either a specific asserted utility or a well-established utility. Additionally, the Examiner alleged the claimed invention is directed to an apparatus that merely manipulates data and is an abstract idea, which is non-statutory subject matter. Applicants traverse this rejection for the following reasons.

Independent claims 17 and 19, as amended, recite a combination including a processor, which, among other things, "computes the reference polygon at each of a plurality of trigger times based on a position information of said reference polygon and the motion data." Positioning a game character clearly constitutes utility. Applicants

respectfully direct the Examiner's attention to M.P.E.P. § 2107.02, section II, paragraph B, captioned "No Statement of Utility for the Claimed Invention in the Specification Does Not Per Se Negate Utility." M.P.E.P. § 2107.02, states in part, that an invention has a well-established utility if a person of ordinary skill in the art would immediately appreciate why the invention is useful based on the characteristics of the invention. Furthermore, Applicants respectfully direct the Examiner to M.P.E.P. § 2107.02, which also states "if an invention has a well established utility, rejections under 35 U.S.C. 101 and 35 U.S.C. 112, first paragraph, based on lack of utility, should not be imposed." A person of ordinary skill in the art would thus appreciate the usefulness of the present invention based on at least the exemplary claim language cited above.

Furthermore, Applicants respectfully submit that the claimed invention is directed to an apparatus that is hardly abstract. Indeed, the present invention provides apparatus for positioning a game character which "places said component polygons for said reference polygon in the three-dimensional space based on the position information of said reference polygon without computing said articulating components" as recited in independent claim 17 and "places component polygons for said reference polygon based on the motion data without computing said articulating components" as recited in independent claim 19. Thus, the present invention as recited in independent claims 17 and 19, for example, clearly has a well-recognized utility.

Claims 18, 20-21, 24-25, and 28 depend from independent claims 17 and 19. Dependent claims 18, 20-21, 24-25, and 28 are supported by a well-established utility at least because of their dependency on independent claims 17 and 19. Accordingly, the rejection under 35 U.S.C. § 101 should be withdrawn.

REJECTION OF CLAIM 17 UNDER 35 U.S.C. § 112

The Examiner rejected claim 17 under 35 U.S.C. § 112, first paragraph, alleging one skilled in the art would not know how to use the claimed invention because it is not supported by either a substantial asserted utility or a well-established utility. The rejection is traversed because, as discussed above, the claimed invention clearly has a well-established utility. Thus, the rejection under 35 U.S.C. § 112, first paragraph, is improper and should be withdrawn.

REJECTION OF CLAIMS 17-28 UNDER §103(a)

The Examiner rejected claims 17-28 under 35 U.S.C. § 103(a) as unpatentable over Miyamoto (U.S. Patent No. 6,241,610). Because the Examiner has not stated a *prima facie* case of obviousness, Applicants respectfully traverse these rejections.

Independent claims 17 and 19 disclose, among other things, at least “a game character model, including a reference polygon and component polygons.” Miyamoto does not teach or suggest at least these elements of independent claims 17 and 19. Furthermore, there is no motivation found within Miyamoto to modify the reference to produce Applicants’ claimed invention.

In fact, the Examiner admits Miyamoto does not disclose all of the elements of the present invention. Specifically, the Examiner admits Miyamoto “fails to disclose a reference polygon and component polygons *per se*” (Office Action, page 4). The Examiner proceeds to allege that “[i]t would have been obvious to one of ordinary skill in the art at the time of the invention that the character disclosed in Miyamoto et al. [includes] said face component [which] constitutes a reference polygon, and other facial features in said face constitute said component polygons and the components, e.g.

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eyes, nose, mouth, would be placed in three dimensional space based on the position of the reference polygon, said face, without computing articulating components." However, the Examiner does not provide a prior art reference to support this position. In the absence of a reference, a *prima facie* case of obviousness has not been made and the rejection of independent claims 17 and 19 should be withdrawn.

Finally, each of dependent claims 18, 20-21, 24-25, and 28 depend from independent claims 17 and 19 and are at least allowable with respect to the discussion above regarding the independent claims.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully request the reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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APPENDIX TO AMENDMENT OF NOVEMBER 13, 2002

Version with Markings to Show Changes Made

Amendments to the Claims

17. (Twice Amended) A data processing apparatus [having a processor] for positioning a game character on a display, said [game character] apparatus comprising:

a game character model, including a reference polygon[;] and component polygons, wherein no articulating components are included between said reference polygon and said component polygons,

a motion data table for storing motion data for executing a movement of the game character model, wherein motion data includes distance data and angle data; and

a processor, wherein the processor [stores motion data that is capable of executing a motion for a movement of a game character model,] computes the reference polygon at each of a plurality of trigger times based on a position information of said reference polygon [in] and the motion data, places the reference polygon in a three-dimensional space, and directly places said component polygons for said reference polygon in the [three dimensional] three-dimensional space based on the position information of said reference polygon without computing said articulating components.

19. (Twice Amended) A data processing apparatus [having a processor] for positioning a human game character on a display, said [human game character] apparatus comprising:

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a human game character model, including a reference polygon[;] and component polygons, wherein no articulating components are included between said reference polygon and said component polygons,

a motion data table for storing motion data for executing a motion for a movement of the human game character model, wherein motion data includes distance data and angle data; and

a processor, wherein the processor [stores motion data that is capable of executing a motion for a movement of a game character model, and] computes the reference polygon at each of a plurality of trigger times based on the motion data, and directly places component polygons for said reference polygon based on the motion data without computing said articulating components.

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